

## **REMARKS**

### **Status of the Claims**

Claims 4, 10, 11, and 23-45 are pending. Claims 1-3, 5, 7-9, and 12-22 have been cancelled, claims 4, 10, 11, 23, and 24 have been amended, and claims 25-45 have been newly added herein. Claim 6 was previously cancelled. Claims 4, 5, 10, 11, 23, and 24 were allowed and claims 1-3, 7-9, and 12-22 were non-finally rejected in the Office action mailed April 28, 2009 ("Office action").

### **Claim Rejections**

Claims 1-3, 7-9, and 12-22 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,417,643 to Taylor ("Taylor"). It is respectfully submitted that the cancellation of claims 1-3, 7-9, and 12-22 herein obviates all of the outstanding claim rejections.

### **Allowed Claims**

The Office action indicates that claims 4, 5, 10, 11, 23, and 24 were allowed. Of these, independent claims 4, 10, and 23 have been amended. It is respectfully submitted that these claims remain allowable over the references of record. Further, it is respectfully submitted that new claims 40-45 are patentable over the references of record due to their dependency from claims 4 and 10.

### **New Claims 25-39**

New claims 25-39 are directed to an orthosis for stretching tissue associated with a shoulder joint of a patient. It is respectfully submitted that claims 25-39 are patentable over Taylor for at least the following reasons:

Claim 25 includes "a base section for releasably coupling to a trunk of a patient, the base section being shaped for engagement with the trunk and including at least one

strap arranged to extend at least partially around the trunk.” Taylor does not appear to disclose such a structure for coupling the orthosis to the trunk of a patient.

Claim 25 also includes “[a] secondary drive assembly [that is] manually operable to articulate the upper arm section relative to the base section about the pivot” and “[a] main drive assembly [that is] manually operable to rotate the lower arm section relative to the upper arm section about an axis lying substantially parallel to and spaced apart from the upper arm section.” In contrast, Taylor appears to disclose electronically programmable, electrically powered drive mechanisms.

### Conclusion

In light of the foregoing, it is respectfully submitted that claims 4, 10, 11, 23-45 are patentable over the reference cited. Reconsideration of the application and withdrawal of the rejections of record is respectfully requested.

The Commissioner for Patents is hereby authorized to charge any fees that may be required by this paper, or to credit any overpayment, to Deposit Account 50-3072.

If the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

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